

	<p style="text-align: center;">SOLICITATION AMENDMENT</p> <hr/> <p style="text-align: center;">Solicitation Number: AD9-010-A1</p> <p style="text-align: center;">Amendment Number: <u>One (1)</u></p> <p style="text-align: center;">Page 1 of 28</p>	<p>Department of Administration State Procurement Office 100 North 15th Avenue, Suite 104 Phoenix, Arizona 85007 (602) 542-5511</p> <hr/> <p>Procurement Officer: Alicia Bewsey</p>
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The Due Date for **AD9-010-A1** has been extended to
November 21, 2007 at 3:00pm MST

A signed copy of this amendment must be received by the State Procurement Office by the Solicitation due date and time. The Solicitation is amended as follows:

The document AD9-010 has been changed and revised as Amendment Number One revised document AD9-010-A1 dated October 18, 2007. The document has been revised based on questions submitted to the State Procurement Office. The following changes were made to the original solicitation document:

<p>Vendor hereby acknowledges receipt and understanding of the above amendment. A signed copy must be filed with the Purchasing Services Section.</p> <p>_____ Signature Date</p> <p>_____ Typed Name and Title</p> <p>_____ Company/Name</p> <p>_____ Address</p> <p>_____ City State Zip</p> <p>Telephone Number _____</p> <p>Fax Number: _____</p>	<p>The above referenced Solicitation Amendment is hereby executed</p> <p>This 18th Day</p> <p>of October of <u>2007</u></p> <p>at Phoenix, Arizona.</p> <p><i>Alicia Bewsey</i> _____</p> <p>Alicia Bewsey, Senior Procurement Officer State Procurement Office</p>
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Page 20. Special Instructions. Evaluation, Section 1.7.1.

Page 28. Special Terms and Conditions Section. The Special Terms and Conditions Section has been replaced in its entirety. A new set of Special Terms and Conditions has been provided in the revised RFP AD9-010-A1.

Scope of Work Section. All references to 1000-bed increments shall be revised to include 500-bed increments. Any reference to a 1000-bed minimum shall be a 500-bed minimum.

Page 31. Scope of Work Section. Introduction, 2.1.2 has been changed.

Page 32. Scope of Work Section. Introduction, 2.1.8 has been changed.

Page 34. Scope of Work Section. Program Requirements, 2.2.1.22 has been added in alphabetical order and therefore affects the numbering for the rest of the section.

Page 35. Scope of Work Section. Program Requirements, 2.2.1.35 has been changed.

Page 39. Scope of Work Section. Proposed Site(s), 2.3.1.3 has been changed.

Page 44. Scope of Work Section. Contractor's/Subcontractor's Qualifications, 2.8.1.7. has been changed.

Page 44. Scope of Work Section. Contractor's/Subcontractor's Qualifications, 2.8.2 has been changed.

Page 46. Scope of Work Section. Contractor's/Subcontractor's Qualifications, 2.8.4.5 has been changed.

Page 46. Scope of Work Section. Contractor's/Subcontractor's Qualifications, 2.8.4.7 has been changed.

Page 47. Scope of Work Section. Contractor's/Subcontractor's Qualifications, 2.8.4.8.1 has been changed.

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Page 47. Scope of Work Section. Contractor's/Subcontractor's Qualifications, 2.8.4.9 has been changed.

Page 47 and 48. Scope of Work Section. Facility Management, 2.9.3.1 has been changed.

Page 48. Scope of Work Section. Facility Management, 2.9.3.3 has been changed.

Page 49. Scope of Work Section. Facility Management, 2.9.6.6 has been changed.

Page 53. Scope of Work Section. Facility Management, 2.9.13 has been changed.

Page 54. Scope of Work Section. Facility Management, 2.9.13.5 has been changed.

Page 55. Scope of Work Section. Facility Management, 2.9.13.10.3 has been changed.

Page 56. Scope of Work Section. Financial, 2.10.5 has been added.

Page 56. Scope of Work Section. Financial, 2.10.6 has been changed.

Page 59. Scope of Work Section. Financial, 2.10.13.2 has been changed.

Page 60. Scope of Work Section. Financial, 2.10.13.5 has been changed.

Page 60. Scope of Work Section. Financial, 2.10.13.6 has been changed.

Page 63. Scope of Work Section. Financial, 2.10.14.2 has been changed.

Page 64. Scope of Work Section. Staffing, 2.11.2 has been changed.

Page 65. Scope of Work Section. Staffing, 2.11.3 has been changed.

Page 65. Scope of Work Section. Staffing, 2.11.4.4 has been changed

Page 66. Scope of Work Section. Staffing, 2.11.6.2 has been changed.

Page 71. Scope of Work Section. Correctional Services, 2.13.1 has been changed.

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- Page 76.** Scope of Work Section. Correctional Services, 2.13.7 has been changed.
- Page 77.** Scope of Work Section. Correctional Services, 2.13.7.4.3 has been changed.
- Page 79.** Scope of Work Section. Correctional Services, 2.13.11.6 has been changed.
- Page 80.** Scope of Work Section. Correctional Services, 2.13.12.7 has been deleted.
- Page 80 and 81.** Scope of Work Section. Correctional Services, 2.13.13 has been changed.
- Page 81.** Scope of Work Section. Correctional Services, 2.13.13.4.2 of AD9-010 has been deleted. This corresponds to 2.13.13.2.2 of AD9-010-A1, numbering has changed accordingly.
- Page 83.** Scope of Work Section. Health Services, 2.14.1 has been changed.
- Page 84.** Scope of Work Section. Health Services, 2.14.1.2 has been changed.
- Page 84.** Scope of Work Section. Health Services, 2.14.1.2.1 has been changed.
- Page 85 and 86.** Scope of Work Section. Health Services, 2.14.1.8 has been changed.
- Page 86.** Scope of Work Section. Health Services, 2.14.1.16 has been changed.
- Page 88.** Scope of Work Section. Health Services, 2.14.3.1.5.2. has been changed.
- Page 88.** Scope of Work Section. Health Services, 2.14.3.1.7.1.1.1 has been changed.
- Page 92.** Scope of Work Section. Health Services, 2.14.6 has been changed.
- Page 93.** Scope of Work Section. Health Services, 2.14.11 has been changed.
- Page 94.** Scope of Work Section. Physical Plant/Structural Design, 2.15.4 has been changed.
- Page 94.** Scope of Work Section. Physical Plant/Structural Design, 2.15.5 has been changed.

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Page 96. Scope of Work Section. Physical Plant/Structural Design, 2.15.15 has been changed.

Page 98, 99, and 100. Scope of Work Section. Invoicing/Payments, 2.16.1 has been changed.

Page 101 and 102. Scope of Work Section. Invoicing/Payments, 2.16.4 and 2.16.5 have been changed.

Page 117. Contract Facility Section. Objective III has been added.

Page 123. Subcontractors Section. Exhibit 1 has been moved to this section.

Page 126. General Staffing Pattern Section. Attachment 3 of AD9-010 has been moved to this section.

Page 128. Position Description Section. Attachment 4 of AD9-010 has been moved to this section.

Page 134. Attachment 9. Previously Attachment 11 of AD9-010 now Attachment 9 of AD9-010-A1 has been changed.

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Listed below are the Questions received regarding AD9-010 and the Responses to those questions.

SET #1 Questions received September 20, 2007. Questions are listed and Responses are provided in red and bold below.

1. Section 3.7, page 12 of 136: Would the State be willing to add language that any source materials used to create deliverables under this contract remain the property of the contractor?
Answer: This shall remain unchanged. This is a Uniform Term and Condition, which will not be changed. All documents created under this contract upon demand must be provided to the State.
2. Sections 6.2.1 and 6.3, page 14 of 136: Would the State be willing to make these indemnification sections reciprocal?
Answer: No these sections will remain unchanged.
3. Section 7.5, page 15 of 136: Would the State consider deleting this section since it is no longer necessary?
Answer: This shall remain unchanged. This is a Uniform Term and Condition, which will not be changed.
4. Section 8.5, page 17 of 136: Would the State be willing to delete the Right of Offset?
Answer: No this section will remain unchanged.
5. Section 9.4, page 17 of 136: Would the State be willing to make the termination for convenience section reciprocal?
Answer: No this section will remain unchanged.
6. Section 9.5, page 17 of 136: Would the State be willing to add a notice and thirty day period to cure before termination?
Answer: Refer to Section 1.7.2.
7. Section 1.7.2, page 22 of 136: This section provides a ten day period to cure. Would the State be willing to increase the cure period to thirty days?

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Answer: The timeframe noted in this section speaks to the Contractor providing a satisfactory response and does not identify a specific cure period. This timeframe will remain as written.

8. Section 1.10.16, page 26 of 136: Would the State be willing to make this indemnification section reciprocal?
Answer: No this section will remain as written.

9. Section 2.1.2, page 29 of 136: This section states that the Department of Corrections plans to expand its in-state capacity to incarcerate an additional 2,000 minimum security beds for “male” inmates. Will the department consider beds for “female” inmates to be housed between Phoenix and Tucson corridors similar to the last 3,000 bed RFP?
Answer: No, the Department seeks 2000 minimum security beds for male inmates.

10. Section 2.1.2, page 29 of 136: This section also states that offerors may expand an existing facility by demonstration that the expansion will meet sound correctional practices and the Department’s intent that each inmate will receive a corrections plan. In an effort to offer the state of Arizona best value, can an offeror submit an existing facility under contract with ADC for consideration as expansion beds if the entity holding legal title gives their approval and ADC continues to hold an option to purchase the facility? Or can the offeror submit a stand-alone facility adjacent to the existing facility under contract with ADC?
Answer: Yes the Offeror may submit either a plan for expanding an existing facility provided they provide evidence that the existing facility meets sound correctional practices and it meets the requirements of the ADC Physical Plant Standards or may submit a plan for design and construction of a new facility that meets the ADC Physical Plant Standards.

11. Section 1.2.1, page 21 of 136: This section states that the method of compensation governing the Contract will be a fixed rate. Will the Department consider a minimum bed guarantee, e.g. 90%, as stated in the prior 3,000 bed RFP to ensure a competitive rate to the state and to protect the offeror in the event of decreased occupancy levels?
Answer: Please refer to Amendment One (1), Section 2.10.5 in the Scope of Work, page 56 of AD9-010-A1 for changes made.

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12. Section 2.6.14.5, page 40 of 136: How can an offeror get the Arizona DOC Written Instructions, Comprehensive Health Care Plans, the ADC Health Services Treatment Guidelines and the Published Corrective Action Plan?

Answer: This answer must be broken down into four parts:

a) ADC Written Instruction here includes the ADC Department Orders and Department Instructions which are available from the Department. Attached is the Health Services Technical Manual.

b) The Comprehensive Health Care Plan is noted in the "definitions" section of the contract Scope of Work 2.2.1.9

The plan is to be written by the vendor.

c) The Health Services Treatment Guidelines are available in hard copy and provide direction for care and treatment of the Diabetic and those inmates with Hepatitis-C. (faxed to the ADC Procurement office)

d) Corrective Action Plans are not required at this time, as for this contract no errors have been noted that require correction action. This is a document the vendor would produce as required.

13. Section 2.6.15.1, page 41 of 136: Are there associated liquidated damages?
Answer: Please refer to Amendment One (1), Section Scope of Work, page 30 of AD9-010-A1 for changes made.
14. Section 2.9.8, page 48 of 136: What drug and Alcohol tests are currently required by the DOC?
Answer: Marijuana, cocaine, methamphetamine, opiates and PCP (all specifically noted in DO 522) The Department reserves the right to require additional substances in the future, i.e. steroids.
15. Section 2.9.11.1.2, page 50 of 136: This section states that “The facility operator shall be charged the cost for the computerized NCIC / ACIC criminal history background checks”. What will be the fee charged to the contractor for these background checks?

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Answer: The present cost of the requisite background checks is \$29.00 as set by the AZ Dept of Public Safety, subject to change by DPS.

16. Section 2.9.10.8, page 50 of 136: Would the State be willing to add language that excepts claims caused by the Department?

Answer: No refer to Uniform Terms and Conditions, Section 10, Page 18, labeled Contract Claims.

17. Section 2.11.4.3, page 63 of 136: This section relates to staffing patterns and states that “Legal Access Services” has a minimum required ratio of 70:1. Does this mean ADOC requires 28.5 FTE Legal Access Service staff for 2,000 inmates?

Answer: The Legal Access Services are provided by the librarians. Staffing for librarians is addressed in Section 2.11.4.4.

18. Section 2.11.4.4, page 63 of 136: This section relates to staffing patterns and notes “Education” has a minimum required ratio of 30:1. Does this mean ADOC requires 66.7 FTE Education staff for 2,000 inmates?

Answer: Please refer to Amendment One (1), Section 2.11.4.4 in the Scope of Work, page 65 of AD9-010-A1 for changes made.

19. Section 2.11.21, page 68 of 136: Would the State be willing to add language that excepts claims caused by the Department?

Answer: No refer to Uniform Terms and Conditions, Section 10, Page 18, labeled Contract Claims

20. Section 2.13.12, page 77 of 136: Do the inmates with outside jobs in the public sector have health insurance to cover their work related injuries?

Answer: No this would be covered by the Contractor under the established agreement.

21. Section 2.14.1.8, page 83 of 136: States that specialists shall be available in the vicinity of the Hospital. Does this mean a 30 mile vicinity for specialists?

Answer: Please refer to Amendment One (1), Scope of Work, page 86 of AD9-010-A1 for changes made.

22. Section 2.14.1.15.2, page 84 of 136: Can an offeror receive a copy of the DOC Outside Medical Referral Form?

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Answer: Refer to Amendment One (1) AD9-010-A1 Procedural Documents Attachment.

23. Section 2.14.1.11, page 84 of 136: Can offerors get the guidelines for the Outside Review Committee and the DOC Corrections Classifications Manual?
Answer: The written directive for the management of the referral process is outlined in the ADC Health Services Technical Manual. Chapter 7, Section 2.0 has been provided.

24. Section 2.14.4.1, page 88 of 136: Can an offeror receive a copy of the DOC Formulary?
Answer: Refer to Amendment One (1) AD9-010-A1 Procedural Documents Attachment.

25. Section 2.14.5.5, page 89: This section requires the contractor to convert to ADOC electronic medical file system when implemented. Will the medical file system software that is chosen and implemented by ADOC be provided at no cost to the contractor? If no, what will be the cost for the software or program rights to the medical file system?
Answer: At this time, ADC has not selected a program for an electronic medical record. The Offeror will be responsible for bringing on-line their portion of an electronic medical record system, as noted in this section.

26. Section 2.14.11, page 90 of 136: This section states “Inmates with medical needs, medical chronic conditions, and requiring routine care by medical and mental healthcare provider will be assigned in numbers proportionate to inmates assigned to state prisons” With no medical cap offered by ADOC, this substantially increases medical risk to the contractor. In an effort to better estimate medical costs, will ADOC set a maximum chronic case medical level to determine inmate eligibility under this contract?
Answer: The number of inmates with medical needs, chronic conditions, or requiring routine care is in no way a constant number. The Department will endeavor to assign inmates requiring health care in numbers consistent with other state prisons.

27. Section 2.14.11, page 90 of 136: Since there is no cap, would the State assure offerors that they would not ship inmates scheduled for surgeries, needing

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surgeries, requiring follow-up, diagnosed with cancer and not on therapy or those currently on cancer therapy?

Answer: Please refer to Amendment One (1), Section Scope of Work, page 93 of AD9-010-A1 for changes made.

28. Section 2.14.11, page 90 of 136: Will the Department provide the chronic care rates for the prison population as well as the rate for a 1,000 or 2,000 bed minimum facility?

Answer: As previously stated, this number is ever changing. Currently, the number of inmates identified with ADC's tracked chronic conditions is fourteen percent of the population. ADC identified chronic conditions include: cancer; diabetes; heart disease; hypertension; respiratory disease; seizure disorder; and HIV.

29. Section 2.14.12, page 91 of 136: Is the staffing matrix listed the expected staffing level?

Answer: Yes, at a minimum.

30. Section 2.15, page 91 of 136: Is there a requirement for a negative air flow room in the prison?

Answer: No.

31. Section 2.16.1.10, page 97 of 136: What is the current Co-pay for medical services?

Answer: \$3.00

32. Section 2.17.1, page 99 of 136: Can we get a copy of the Monthly Statistical Report?

Answer: Yes, though it is routine data.

33. Page 105 of 136 – Fee Schedule: The Price Increases section of the Fee Schedule requests a schedule of maximum percentage increases for all contract years. If funded, will yearly per diem increases be limited by the lesser of the following?

Answer: The Contractor would have to provide documentation to support the funded increase such as updated fee schedules and budget narrative.

A. Percentages provided by the contractor in this fee schedule;

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B. Change in CPI established for the most recent calendar year, as published by the United States Department of Labor.

34. General: There doesn't appear to be a reference to a specific timeline for a construction schedule. When does the Department need the facility to come online? Can the Department give an estimate of how long they will allow for construction of a 1,000 or 2,000 bed facility?
Answer: The Contractor should provide this information in their proposal response to be evaluated.
35. Attachment # 11, Notice of Option to Purchase, Description of Improvements: This attachment specifies a "Privatized prison facility with housing units for "1400 DUI beds" for adult male inmates. Is this a requirement for this solicitation or just a typo?
Answer: Please refer to Amendment One (1), Attachment 9, page 134 of AD9-010-A1 for changes made.
36. Section 2.8.3.8, page 43 of 136: Employee Vacancy Rate, How does the department define and measure the employee vacancy rate?
Answer: Vacancy rate for Officers is calculated by the Department by dividing the number of vacancies (to include those in COTA) by the number of funded positions. The annual rate is the average of the last week of each month of the last week of the FY.

SET #2 Questions received September 25, 2007. Questions are listed and Responses are provided in red and bold below.

- Section 1.9[Scope of Work] *The end of Section 1.9 in the solicitation documents states "Definition A.R.S. § 13-2501:"*
The quoted phrase appears to be incomplete. Please clarify.
Answer: Definition means Authority.
- SECTION 2.1.2 & 2.1.3 , PAGE 29 of 136 , LINE NUMBER(S) N/A
Section 2.1.2 and 2.1.3 provide:
2.1.2 The Department of Corrections plans to expand its in-state capacity to incarcerate an additional 2,000 minimum security beds for male inmates.

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Offerors may submit proposals for 1000-beds or 2000-beds. Offerors may expand an existing facility by demonstration that the expansion will meet sound correctional practices and the Department's intent that each inmate will receive a corrections plan. In the prior 2006 solicitation, the Department included the following sentence in Section 2.1.2: "Offerors can expand an existing facility or construct a new facility." Please confirm that Offerors may propose the construction of a new facility in response to the current solicitation.

Answer: Please refer to Amendment One (1), Section 2.1.2 in the Scope of Work, page 31 of AD9-010-A1 for changes made.

3. SECTION 2.1.8 , PAGE 30 of 136 , LINE NUMBER(S) N/A
Offerors shall provide, in their submitted proposal, letters of support demonstrating interest from the local victims' community with their interest to perform community service, provide volunteers and reinforce restorative justice principles. The Arizona Department of Corrections (ADC), through its Office of Victim Services (OVS), coordinates victimfocused Restorative Justice programs. Volunteer coordination and contact is handled through the ADC OVS Administrator. Is it intended that the OVS will coordinate Restorative Justice programs on behalf of a privately operated prison, or will that function be the responsibility of the Contractor?
Answer: Please refer to Amendment One (1), Section 2.1.8 in the Scope of Work, page 32 of AD9-010-A1 for changes made.
4. SECTION 2.9.6.6 , PAGE 47 of 136 , LINE NUMBER(S) N/A
[Scope of Work] Section 2.9.6.6 in the solicitation documents states "Maintaining a green/carbon neutral"
The quoted phrase appears to be incomplete. Please clarify.
Answer: Please refer to Amendment One (1), Section 2.9.6.6 in the Scope of Work, page 49 of AD9-010-A1 for changes made.
5. SECTION 2.10.4 , PAGE 54 of 136 , LINE NUMBER(S) N/A
[Scope of Work] Section 2.10.4 of the solicitation states "Per Diem Rate. The Offeror's proposed per diem rate must incorporate all costs for service provision with the exception of costs identified herein to be borne by the Department of Corrections."
Section 2.10.5.1 of *Solicitation No. AD8-012*, issued in late 2006, stated "The Department will guarantee an overall occupancy rate of 90%, noting that funding for this project requires an annual appropriation by the legislature." The 90%

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occupancy guarantee, subject to annual appropriation, is not included in *Solicitation No. AD9-010*. The inclusion of a 90% occupancy guarantee would significantly reduce the cost of the required services to the state of Arizona. Will the State consider the inclusion of the 90% occupancy guarantee that was included in the prior procurement?

Answer: Please refer to Amendment One (1), Section 2.10.5 in the Scope of Work, page 56 of AD9-010-A1 for changes made.

6. SECTION 2.11.4.4 , PAGE 63 of 136 , LINE NUMBER(S) N/A
The RFP specifies a staffing pattern with an Education ratio of 30:1
 Can you supply more information as to what this means? How is the ratio determined? What specific staff positions are included in this ratio?
Answer: See response to question 17 and 18 from questions set #1 – same answer applies.

7. SECTION 2.11.4.3 , PAGE 63 of 136 , LINE NUMBER(S) N/A
The RFP specifies that the minimum staffing ratio for Legal Access Services be 70:1.
 Please explain how this number is to be calculated.
Answer: See response to question 17 and 18 from questions set #1 – same answer applies.

8. SECTION 2.13.7.4.3 , PAGE 75 of 136 , LINE NUMBER(S) N/A
The RFP states that “participation in the following educational components shall be open-entry/exit, self-paced, individualized, and y-based.”
 Please explain what is meant by the term “y-based.”
Answer: Please refer to Amendment One (1), Section 2.14.7.4.3 in the Scope of Work, page 77 of AD9-010-A1 for changes made.

9. SECTION 2.13.7.2.1 , PAGE 75 of 136 , LINE NUMBER(S) N/A
The RFP states that instructors shall be approved by the Department of Corrections prior to initiation of educational services. Does this mean that ADC has an approval process beyond the State Department of Education Teacher Certification?
Answer: There is not an approval process beyond the state certification process. In fact, the certification requirement is different. The Department does not have an approval process beyond the State Department of Education Teacher Certification. ADC hires teachers with adult education

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certification because adult learners are being educated. This is different from the public schools where teachers must have full certification to be a classroom teacher.

10. SECTION 2.14.3.1.5.2 , PAGE 86 of 136 , LINE NUMBER(S) N/A
This section states that a "minimum ratio" of one mental health worker to every 75 inmates is required.
 - a. Is ADC requesting one mental health worker per every 75 inmates enrolled in Mental Health Chronic Clinic, or does the facility require 14 mental health workers per 1,000 inmates?
Answer: Please refer to Amendment One (1), Section 2.14.3.1.5.2 in the Scope of Work, page 88 of AD9-010-A1 for changes made.
 - b. What is ADC's estimation of the percentage of inmates requiring Mental Health Chronic Clinic services per 1,000 inmates?
Answer: Currently, ADC estimates that 16% of either the minimum or medium custody level requires mental health services.
 - c. Are we correct in our understanding that licensed mental health staff includes Masters Level Licensed Clinical Social Workers and Licensed Professional Counselors?
Answer: Yes, licensed mental health staff includes Master level licensed Clinical Social Workers and Licensed Professional Counselors.
11. SECTION 2.14.12 , PAGE 91 of 136 , LINE NUMBER(S) N/A
Does ADC have a recommended staffing pattern for mental health providers?
Answer: ADC is open to reviewing suggested staffing patterns by offerors and does not have a specific staffing pattern recommendation. ADC expects that mental health services are available to inmates and requires the offeror to demonstrate how these contacts can be made by inmates.
12. .SECTION Attachment No. 11 , PAGE 132 of 136 , LINE NUMBER(S) N/A
Attachment No. 11, under "Description of Improvements" states "Privatized prison facility with housing for 1400 DUI beds for adult male inmates, which includes the following "
Should we change the "Description of Improvements" on Attachment No. 11 to reflect the current solicitation requirements, or will the ADOA provide an updated Attachment No. 11?
Answer: Please refer to Amendment One (1), Attachment 9, page 134 of AD9-010-A1 for changes made.

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SET #3 Questions received October 4, 2007. Questions are listed and Responses are provided in red and bold below.

1. Section 2.9.3.3, page 45 of 136: How can an offeror access a copy of the Arizona Plan?
Answer: The Arizona Plan is still in development; there is not an individual document available to reference. The Plan is made up of several components, to include the Earned Incentive Program, Inmate Corrections Plan and Discharge Planning. These programs are currently in pilot for assessment.
2. Section 2.14.3.1.5.2, page 86 of 136: Does the ratio specified as seventy-five inmates to one mental health provider refer to the number of inmates on the mental health roster rather than the total number of inmates in the facility? What is the ratio of inmates on the mental health roster to the general population in a minimum facility?
Answer: See response to question 10 from questions set #2 – same answer applies.
3. Section 1.4.2, page 21 of 136: Please provide a copy of the Department's restricted policies.
Answer: These policies are not provided to offerors. ADOA State Procurement Office has copy and offeror must make an appointment to review. No copies allowed. Contact the Procurement Office to set-up an appointment for review.
4. Is there an expectation that the private facility will house inmates requiring onsite dialysis?
Answer: Inmates requiring renal dialysis 3 will be housed within an Arizona Department of Corrections state prison.

SET #4 Questions received October 5, 2007. Questions are listed and Responses are provided in red and bold below.

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1. There are a number of discrepancies regarding the Attachments of the RFP.

- Page 37 - Section 2.3.1.3; references Attachment #4, “Proposed Contract Facility”. Attachment #4 of the RFP is entitled “Position Description” and there is no Attachment entitled “Proposed Contract Facility”.
- Page 42 – Section 2.8.1.7; and several other sections reference Attachment #3, “Service Specification, Contract Facility”. Attachment #3 of the RFP is entitled “General Staffing Pattern” and no attachment is entitled “Service Specification, Contract Facility”.
- Page 42 – Section 2.8.2 references Attachment #5 “References for Other Facilities”. Attachment #5 of the RFP is entitled, “Per Diem Invoice” and there is no attachment entitled “References for Other Facilities”.
- Page 44 – Section 2.8.4.5 references “Attachment #6, “Identification of Subcontractors”. Attachment #6 of the RFP is entitled “Supporting Detail of Per Diem Invoice” and there is no attachment entitled “Identification of Subcontractors”, however; page 118 provides a form entitled “Identification of Subcontractors”. Is that the document being referenced?
- Page 45 – Section 2.8.4.8 references “Attachment #7, “Subcontractors Certification”. Attachment #7 of the RFP is entitled “Corrections to Previous Monthly Invoice” and there is no attachment entitled “Subcontractor’s Certification”, however; page 119 provides a form entitled “Subcontractor’s Certification”. Is that the document being referenced?
- Page 54 – Section 2.10.5 references Attachment #8 “Fee Schedule”. Attachment #8 of the RFP is entitled, “Monthly Inmate Health Care Fees” and there is no attachment entitled “Fee Schedule”. A form entitled “Fee Schedule” is provided on pages 101- 107 of the RFP. Is that the document being referenced?
- Page 58 – Section 2.10.12.5 and page 61 – Section 2.10.13.2 reference Attachment #19, “Purchase Option Prices”. The RFP attachments stop with Attachment #11, “Notice of Option to Purchase”.

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- Page 58 - Section 2.10.12.6: Should what is referenced as “Attachment #20 Notice of Option to Purchase” instead be “Attachment #11 Notice of Option to Purchase”?
- Page 62 – Section 2.11.2: Should what is referenced as “Attachment #11 General Staffing Pattern” instead be “Attachment #3 General Staffing Pattern”?
- Page 63 – Section 2.11.3: Should what is referenced as “Attachment #12 Position Description” instead be “Attachment #4 Position Description”?
- Page 90 – Section 2.14.6 references Attachment #11 “Intake Health Screening Services Costs”. Attachment #11 of the RFP is entitled, “Notice of Option to Purchase” and there is no attachment entitled, “Intake Health Screening Services Costs”.
- Page 98 – Section 2.16.1.10.5 references Attachment #17 “Monthly Reimbursement for Charges”. There is no Attachment #17; however, Attachment #9 of the RFP is entitled “Reimbursement for Charges”. Is that the document being referenced?
- Page 98 – Section 2.16.1.11 references Attachment #18 “Inmate Time Sheet for Work Activities”. The RFP contains no such attachment.

Answer: Please refer to Amendment One (1), AD9-010-A1 for changes made.

2. Page 10 – Section 1.11 of the Uniform Terms and Conditions defines “Subcontract” as “any Contract, express or implied, between the Contractor and another party or between a subcontractor and another party delegating or assigning, in whole or in part, the making or furnishing of any material or any service required for the performance of the Contract.” Page 36 - Section 2.2.1.56, the Scope of Work definition of “Subcontractor, ” provides that the term includes those entities that will provide services to inmates, such as food services and medical treatment. The Scope of Work definition also provides in pertinent part that: “Subcontractors do not include those contractual agreements with concern the maintenance of the facility, i.e., trash collection, insect exterminator, office equipment, maintenance agreements, etc.” Please confirm that the Scope of Work definition of “Subcontractor” prevails and that any contract requirement related to subcontracts or subcontractors is qualified by the Scope of Work definition of “Subcontractor.” Please further confirm that in listing proposed subcontractors as required by Page 13 – Section 5.2, and Page 43-Section 2.8.4,

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Offerors are required to list only those subcontractors that are proposed for the purpose of providing services to the inmates.

Answer: The Scope of Work prevails.

3. Page 12 – Section 3.7: Please confirm that the State’s ownership of property is limited to those deliverables, including reports and computer programs, that the Contractor creates for the exclusive purpose of fulfilling the requirements of the Contract and does not include those materials or reports that the Contractor develops or uses in the regular course of its business. Please confirm further that upon delivering or returning property to the State, the Contractor will be permitted to retain copies of any records or documents as necessary to resolve pending or threatened claims or litigation.

Answer: See response to question 1 from questions set #1 – same answer applies.

4. Page 12 – Section 3.8, Ownership of Intellectual Property provides that the State shall be considered the creator of any intellectual property that is created or conceived pursuant to or as a result of this contract. Please confirm that the State would not have any ownership interest in innovative technologies or processes that are currently used by the Contractor. And that the State would not have any ownership interest in any innovative processes or technologies that the Contractor may subsequently create or conceive in the regular course of its business, even if such process or technology is used in the performance of this Contract.

Answer: See response to question 1 from questions set #1 – same answer applies.

5. Page 16-Section 8.2: Is the State required to provide any advance notice before issuing a stop work order?

Answer: This applies to Uniform Terms and Conditions and cannot be revised.

6. Page 17 – Section 9.4 gives the State the right to terminate the Contract at any time, in whole or part, for convenience. Will the State agree to provide at least 120 days notice of its intent to terminate for convenience? Will the State provide the Contractor the right to terminate the Contract for convenience?

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Answer: Refer to Special Terms and Conditions, Cancellation of Contract.

7. Page 17 – Section 9.5: Please confirm that upon default of the State, the Contractor may also terminate the Contract. Please also confirm that termination of the Contract by either party for reasons of the default of the other party is subject to notice and a thirty- day opportunity to cure.

Answer: See response to question 6 from questions set #1 – same answer applies.

8. Page 18 – Section 9.5.2 provides that upon termination for default, “all goods, materials, documents, data and reports prepared by the Contractor under the Contract shall become the property of the State and be delivered to the State on demand.” Will the State permit the Contractor to retain copies of any records or documents related to pending or threatened litigation, claims or other matters? Please confirm that at the termination of this contract, all documents and records that are created by the Contractor on its forms and systems shall remain the property of the contractor, provided the Contractor shall make any such documents and records that are required for contract performance available to the State.

Answer: This shall remain as written. This is a Uniform Term and Condition, which will not be changed. All documents created under this contract upon demand must be provided to the State.

9. Page 21 – Section 1.4: Please provide a list of all Department of Corrections Orders and Director’s Instructions that are applicable to this Contract.

Answer: All policies for the Management of Inmates in a secure facility shall apply. Please reference ADC website.

10. Page 22 – Section 1.7.2: Will the DOC increase the time the Contractor will be permitted to satisfactorily respond to a notice of concern from ten (10) days to thirty (30) days?

Answer: See response to question 7 from questions set #1 – same answer applies. (The timeframe noted in this section speaks to the Contractor providing a satisfactory response and does not identify a specific cure period. This timeframe will remain as written).

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11. Page 29 – Section 2.1.2 indicates Offerors may submit proposals for 1,000 beds or 2,000 beds. The Fee Schedule, page 101, indicates Offerors may submit a proposal for 2,000 beds or any portion thereof but not less than 1,000 beds. Please clarify. Also, would the DOC consider a proposal for a facility with slightly more than 2,000 beds?

Answer: Please refer to Amendment One (1), Section 2.1.2 in the Scope of Work, page 31 of AD9-010-A1 for changes made.

12. Page 38 – Section 2.5: Please confirm that the facility operator’s duty to notify the Department of Corrections Monitor of suspected inmate criminal activity is limited to suspected criminal activity of inmates assigned to the facility by the Arizona Department of Corrections and that any investigation conducted pursuant to Section 2.5 will be limited to allegations involving Arizona inmates assigned to the facility.

Answer: ADC requires that they be notified of any suspected criminal activity occurring on the facility, whether it is inmates, staff or visitors. We reserve the right to conduct any investigations deemed necessary by the Department.

12. Page 38 – Section 2.5.1: Will the DOC revise the second sentence of this section by deleting the word “immediately” and replacing it with “promptly” so that it reads as follow: “The Department of Corrections shall be notified promptly by the facility operator of suspected criminal activity.”?

Answer: The wording will remain as is.

13. Page 38 – Section 2.5.1: Will the DOC cooperate with the Contractor in conducting its investigations and agree to conduct such investigations so as to preserve the orderly operation of the facility?

Answer: ADC requires full cooperation from the Contractor and will continue to conduct investigations with the safe, secure and orderly operation of the facility in mind.

14. Page 39 – Section 2.6.5 indicates office space and equipment is to be provided for a minimum of three (3) Department of Corrections staff. Page 94 – Section 2.15.16; requires office space for up to four (4) Department of Corrections staff. Please clarify the number of offices required for Department of Corrections staff.

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Answer: 3 is the correct number.

15. Page 41 – Section 2.6.15.2 appears to give the DOC broad access to “all records of the facility operator and/or Owner.” Please confirm that the Department’s right to access the facility operator’s operational records and financial data is limited to those records and data that are necessary to monitor contract performance. Please clarify that this does not give the Department the right to access the facility operator’s proprietary corporate information.

Answer: ADC reserves the right to access the facility operators those operational records and financial data as determined by ADC as necessary to monitor contract compliance. Refer to Uniform Terms and Conditions.

16. Page 41 – Section 2.7.3 provides that the failure to report negative information and other misrepresentations may result in an Event of Default. Is the “negative information” that must be reported the same as the Critical Incidents identified in Section 2.9.7 on page 47 of the RFP?

Answer: Included, but not limited to; ADC reserves the right to identify and require full disclosure of significant incidents and information related to the performance of the contracted entity, other than what is specified in section 2.9.7 and/or elsewhere in the contract or applicable ADC policies, upon request.

17. Event of Default: Throughout the RFP, there are a number of requirement for which the failure of the Contractor to comply constitutes or may constitute an Event of Default. Please confirm that any Event of Default will be subject to a notice requirement and a thirty day opportunity to cure.

Answer: Based on the Event of Default, the cure period after notice by the Department may be different for each occurrence and will be addressed as it occurs.

18. Page 43 – Section 2.8.3.8: Please explain the difference in Case Managers and Case Workers.

Answer: The Department wants vacancies listed by position. The positions identified were merely examples and may not be reflective of a vendor’s specific titles.

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19. Page 45 – Section 2.9.3.1 requires the use of a Critical Incident Response Plan utilizing an approved ISC model. Would it be acceptable to use a National Incident Management System (NIMS) approved Incident Command System for emergencies?

Answer: Please refer to Amendment One (1), Section 2.9.3.1 in the Scope of Work, pages 47 and 48 of AD9-010-A1 for changes made.

20. Page 45 – Section 2.9.3.3: Please define the “Arizona Plan”.

Answer: Please refer to Amendment One (1), Section 2.9.3.3 in the Scope of Work, page 48 of AD9-010-A1 for changes made.

21. Page 46 – Section 2.9.3.5.2 and Section 2.9.3.11 are both entitled Commissary Service Delivery. Please advise if this is an oversight or if different information is required for each section.

Answer: No, this was not an oversight. One section applies to Support services and the other is an overall.

22. Page 47 – Section 2.9.6.6: This appears to be an incomplete phrase. Please clarify what the Department intends.

Answer: Please refer to Amendment One (1), Section 2.9.6.6 in the Scope of Work, page 49 of AD9-010-A1 for changes made.

23. Page 49 – Section 2.9.10.4. Please confirm that if the vacant post or position is covered with overtime, contracted staff or other means, no monetary offset will apply.

Answer: Vacant posts covered by the contractor will not be subject to offset; positions left vacant over 30 days will result in an offset.

24. Page 50 – Section 2.9.11.2 indicates the facility operator will be responsible for all costs related to licensure as a security agency and registration of security staff as Security Officers. Please provide any available information to assist Offerors in estimating these costs.

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Answer: Please contact the Arizona Department of Public Safety (the licensing entity) to ensure that you obtain the current costs and fees.

25. Page 52 – Section 2.9.13.10: In the event changes to applicable Department Orders, Director’s Instructions, Administrative Rules, courses and curriculum increase the cost of the Contractor’s fulfillment of its obligations under the Contract, is the Department willing to review the changes and negotiate a modification of the Contract to provide adequate compensation for the more costly services?

Answer: Please refer to Amendment One (1), Section 2.9.13.10.3 in the Scope of Work, page 55 of AD9-010-A1 for changes made.

Page 53 – Section 2.9.15: Will each inmate assigned to the facility be appropriately classified under the Arizona inmate classification system as a minimum security inmate?

Answer: Yes.

26. Page 53 – Section 2.9.15: Will the State honor the facility operator’s request that certain inmates be returned to a DOC facility upon the facility operator’s showing of good cause, *e.g.*, the inmates’ classification level exceeds minimum custody level?

Answer: Yes, provided that the classification has been fully approved by the Department and contingent upon bed space at another facility.

27. Page 53 – Section 2.9.16.2: Please provide a copy of DI 167, Modification to Department of Corrections Order 705, Inmate Transportation. We are requesting access to this restricted material in order to evaluate the transportation requirements of this solicitation.

Answer: Refer to Special Terms and Conditions 1.4.2.

28. Page 53 – Section 2.9.16.4: Please identify the locations of the Department of Corrections’ reception centers and transportation hubs and the number of inmates to be transported to assist Offerors in estimating costs.

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Answer: Reception Centers are located at ASPC-Phoenix, and ASPC-Perryville. Transportation hubs include these facilities as well as ASPC-Tucson and ASPC-Lewis.

29. Page 55 – Section 2.10.9: What would constitute the necessary proof/support to accompany a request for a per diem increase?

Answer: Refer to Special Terms and Conditions 2.10.10.

30. Page 57 – Section 2.10.12.6. If the Contractor does not own the property at the time this Contract is executed, will the Department accept a duly authenticated copy of the Contract for the purchase of the proposed property?

Answer: No. Section 2.10.12.6 applies with the execution of a contract.

31. Page 57 – The last sentence of Section 2.10.12.7 requires the Offeror to provide an Owner’s American Land Title Association (ATLA) Extended Title Insurance policy upon the Department’s exercise of the Purchase Option. Please confirm that a copy of the offeror’s title policy will satisfy this requirement.

Answer: Yes, as long as it is an ALTA Survey Policy.

32. Page 58—Section 2.10.12.10.1. Will the Department revise this section to read as follows by adding the underlined language? “The Department of Corrections reserves the right to demand corrective action for any deficiencies that materially impair the operation of the facility prior to the Purchase Option effective date.”

Answer: The language in the solicitation will remain as written.

33. Page 58—Section 2.10.12.11 provides that the term “Contract Facility” shall refer to all components to be included in the Purchase Option, including, as provided in 2.10.12.11.3, “Any other appurtenances required to operate the Contract Facility.” Will the Department revise this subsection to read as follows “Any other appurtenances owned by the Contractor and required to operate the Contract Facility”?

Answer: The language in the solicitation will remain as written.

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34. Page 61 – Section 2.10.13.1: Will the Department agree to exercise its first option to purchase within 90 days rather than 180 days?

Answer: The language in the solicitation will remain as written.

35. Page 61 – Section 2.10.13.3. Will the Department agree that it will not unreasonably decline to approve any proposed sale of the facility?

Answer: Yes.

36. Page 70 – Section 2.13.1.5 requires the facility operator to use the same computer software and version that is used by the Department. Will the Department agree to revise this to require that the facility operator shall utilize industry standard computer software when reporting to or providing information to the Department?

Answer: Yes so long as the industry standard computer software is compatible with the Department's.

37. Page 72 – Section 2.13.5.1: Please provide cyclical menu and specifications as indicated as materials available to interested Offerors.

Answer: Refer to AD9-010-A1 Menu Attachment.

38. Page 75 - Section 2.13.7.4.2.2 indicates that special education services are to be provided. Please provide what percentage of the proposed population is anticipated to require special education as defined by the Federal Government?

Answer: Approximately 20 – 25 inmates will require special education. This is based on the national ratio of special education population of 12 to 15% of the Title I inmates. The Title I inmates in a 2,000 bed prison is projected to be 168 inmates.

39. Page 77 – As written, Section 2.13.11.3 requires the DOC Monitor to approve the inmate job assignments on a weekly basis. Will the Department agree to change this to reflect a requirement that only new job assignments and changes in job assignments must be approved by the DOC Monitor?

Answer: No, ADC reserves the right to review and amend inmate work assignments. The language in the solicitation will remain as written.

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40. Page 82 – Section 2.14.6 provides that staffing patterns for provider’s health services shall ensure waiting periods are within acceptable industry standards. Will the Department agree to delete the phrase “within acceptable industry standards” and replace it with “reasonable?” In the alternative, will the Department agree to include a provision that the “acceptable industry standard” for wait times will be mutually determined by the parties and that any evaluation of the length of the wait time must include consideration of the type of service being provided, the historical and current demand for the service and other internal and external factors that impact the wait time?

Answer: No changes will be made to this section.

41. Page 86 – Section 2.14.3.1.5.2 requires a minimum ratio of seventy- five inmates to one mental health provider (to exclude psychiatrist, psychiatric nurse practitioner, psychiatric nurse). Please clarify what type or classification of mental health provider is included in the 75/1 ratio.

Answer: A Psychologist, Psychology Associate, and Behavioral Health Specialist that is licensed or under the direct supervision of a licensed practitioner and able to practice in accordance with Arizona State laws may fulfill the position of mental health provider.

42. We have noted the requirement of Part 2, Page 2, Section 2.1.4, Size Requirements, of the Physical Plant Standards which limits the size of a minimum custody facility to 1,200 beds. Please advise if this is applicable to this solicitation.

Answer: Please refer to 2.1.1 of the same section and page. It states that a unit can be part of a larger facility (complex). However, the number of inmates in a single unit cannot exceed 1,200. Also refer to Part I, 1.1 Definition of Terms to discern the difference between "complex" and "unit".

SET #5 Questions received October 9, 2007. Questions are listed and Responses are provided in red and bold below.

1. Section 2.1.2, page 29 of 136: If an offeror is proposing two separate sites, does the State want separate proposals or a single proposal with notations or duplicate

	<p style="text-align: center;">SOLICITATION AMENDMENT</p> <hr/> <p style="text-align: center;">Solicitation Number: AD9-010-A1</p> <p style="text-align: center;">Amendment Number: <u>One (1)</u></p> <p style="text-align: center;">Page 28 of 28</p>	<p>Department of Administration State Procurement Office 100 North 15th Avenue, Suite 104 Phoenix, Arizona 85007 (602) 542-5511</p> <hr/> <p>Procurement Officer: Alicia Bewsey</p>
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forms where information does not apply universally, e.g. price information, facility address, etc.

Answer: Single proposal with each proposed site clearly identified. Each site shall contain its own forms as applicable.

2. Section 2.9.16 and 2.9.16.1, page 53 of 136: Do these sections indicate that the contractor is responsible for the transportation of inmates after the initial transportation by the Department to the facility? Do these sections also indicate that upon return to a Department facility, the Department will transport the inmate if the return corresponds to the Department’s normal transportation schedule?

Answer: 2a: Yes 2b: Yes

3. Section 2.2.1.33, page 33 of 136: Based on the Department’s custody classification scoring instrument, what are the classification score parameters for inmate eligibility for assignment to the private prison?

Answer: The classification criteria are available on the ADC public website.